

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. DAVID DORMONT, Plaintiff, v. 1. HEURTEY PETROCHEM AND 2. PETRO-CHEM DEVELOPMENT CO., INC., Defendants.	§ § § § § § § § § §	 Case No. 17-cv-00638-GKF-FHM Attorney Lien Claimed
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DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Heurtey PetroChem and Petro-Chem Development Co., Inc., (“Defendants”) hereby remove this civil action filed by David Dormont (“Plaintiff”) in Tulsa County, Oklahoma to the United States District Court for the Northern District of Oklahoma. Defendants respectfully show the Court as follows:

I. INTRODUCTION

1. On or about May 1, 2017, Plaintiff filed his Original Petition (“Petition”) in the District Court of Tulsa County, Oklahoma followed by his Amended Petition (“Amended Petition”) on October 30, 2017 (collectively referred to as the “State Court Action”) alleging deprivation of rights secured by the Age Discrimination in Employment Act of 1967 as amended, 29 U.S.C. 621 *et seq* (“ADEA”). See Ex. 2, Pl.’s Amended Pet. at ¶ 1. The case is styled *David Dormont v. Heurtey PetroChem and Petro-Chem Development Co., Inc.*, Case No. CJ-2017-01676.

2. Defendants were served with the Summons and Plaintiff’s Amended Petition on or about November 2, 2017. Therefore, this Notice of Removal is timely filed within thirty (30) days of service of the Petition upon Defendant.

3. There are no other defendants named in the Amended Petition other than Defendants.

II. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION

4. In his Amended Petition, Plaintiff asserts claims against Defendants for alleged violations of the Age Discrimination in Employment Act of 1967 as amended, 29 U.S.C. S 621 *et seq.* (“ADEA”). Therefore, this case presents a federal question pursuant to 28 U.S.C. § 1331 and is removable under 28 U.S.C. § 1441.¹

5. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.”

6. Venue is proper in the Northern District of Oklahoma because the actions complained of in Plaintiff’s Amended Petition allegedly occurred at Defendants’ business in Tulsa County, Oklahoma. *See* Ex. 2, Pl.’s Amended Pet. at ¶ 11. Plaintiff initiated this action in Tulsa County.

7. Therefore, this Court has jurisdiction over this case and removal is proper pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441.

III. PROCEDURAL STATEMENTS

8. All pleadings, process, orders, and other filings in the State Court Action, including the docket, are attached to this Notice of Removal as required by 28 U.S.C. § 1446(a). *See* Exhibits 1-4.

¹ Defendants, in filing this Notice of Removal, does not waive any defenses applicable to them under Federal Rule of Civil Procedure 12(b), including, but not limited to, those regarding subject matter jurisdiction, personal jurisdiction, and improper venue.

9. A true and correct copy of this Notice of Removal will be promptly filed with the District Court in and for Tulsa County, Oklahoma as required by 28 U.S.C. § 1446(d).

10. Written notice of the filing of this Notice of Removal has been or will be given to Plaintiff as required by law.

IV. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that further proceedings in the matter of *David Dormont v. Heurtey PetroChem and Petro-Chem Development Co., Inc.*, Case No. CJ-2017-01676, pending in the Tulsa County, Oklahoma, be discontinued, and that this suit be removed to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

/s/Denelda Richardson

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CERTIFICATE OF SERVICE & MAILING

I hereby certify that on this 22nd day of November, 2017, I caused the foregoing document to be electronically transmitted to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electric Filing to the following counsel of record in this matter.

I also hereby certify that on the same date, a true and correct copy of the foregoing document was mail, via certified mail, return receipt requested to the following:

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Plaintiff Pro Se

/s/Denelda Richardson

Denelda Richardson